

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TREMONT REALTY CAPITAL, INC.,

Plaintiff,

v.

PINNACLE GROUP, LLC, ADAMS
CANYON RANCH, LLC, JOHN LANG,
and MICHAEL GRADY,

Defendants.

and

Civil Action No. 04-11853-RGS

PINNACLE GROUP, LLC, ADAMS
CANYON RANCH, LLC, JOHN LANG,
and MICHAEL GRADY,

Counterclaim Plaintiffs,

v.

TREMONT REALTY CAPITAL, INC.,

Counterclaim Defendant.

and

PINNACLE GROUP, LLC, ADAMS
CANYON RANCH, LLC, JOHN LANG,
and MICHAEL GRADY,

Third-Party Plaintiffs,

v.

FORTIS ADVISORS, LLC,
TREMONT-FORTIS REALTY CAPITAL,
LLC, RUSSELL POSORSKE, RICHARD
C. GALLITTO AND DANIEL O. MEE

Third-Party Defendants.

THE THIRD-PARTY DEFENDANTS' INITIAL DISCLOSURE STATEMENT

In accordance with Fed. R. Civ. P. 26(a) and Local Rule 26.2(A), third-party defendants Fortis Advisors, LLC, Tremont-Fortis Realty Capital, LLC, Russell Posorske, Richard C. Gallitto and Daniel O. Mee (collectively, "the Third-Party Defendants") provide the following initial disclosures to the third-party plaintiffs, Pinnacle Group, LLC, Adams Canyon Ranch, LLC, John Lang and Michael Grady (collectively, "the Pinnacle Parties"):

The following individuals are likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings:

1. **Daniel O. Mee:** 52 Parsons Street, Boston, MA, 02135; (617) 867-0700; As an Executive Director of Tremont Realty Capital, Inc.'s ("Tremont"), Mr. Mee has knowledge of the Third-Party Defendants' business and contract negotiations and relationships with the Pinnacle Parties, including the parties' performance of their respective contractual obligations.
2. **Richard C. Gallitto:** 2 Mountainview Drive, Framingham, MA; 01701; (617) 867-0700; As an Executive Director of Tremont, Mr. Gallitto has knowledge of the Third-Party Defendants' business and contract negotiations and relationships with the Pinnacle Parties, including the parties' performance of their respective contractual obligations.
3. **Russell Posorske:** 6001 East Dynamite Boulevard, Cave Creek, Arizona 85331; (617) 867-0700; Mr. Posorske, a Senior Director of Tremont, has knowledge of the Third-Party Defendants' business and contract negotiations and relationships with the Pinnacle Parties, including the parties' performance of their respective contractual obligations.
4. **Michael Grady:** Address unknown; Upon information and belief, Mr. Grady is the CFO and Co-Manager of Pinnacle Group, LLC, and has knowledge of the Pinnacle Parties' business and contract negotiations, and relationships with the Third-Party Defendants, including the parties' performance of their respective contractual obligations.
5. **Robert Lang:** Address unknown; Upon information and belief, Mr. Lang is the President, CEO and Co-Manager of Pinnacle Group, LLC, and has knowledge of the Pinnacle Parties' business and contract negotiations, and relationships with the

Third-Party Defendants, including the parties' performance of their respective contractual obligations.

6. **John Politan:** Address unknown; Upon information and belief, Mr. Politan consults with the Pinnacle Parties and has knowledge of the Pinnacle Parties' business and contract negotiations, and relationships with the Third-Party Defendants, including the parties' performance of their respective contractual obligations.
7. **Greg Boyd:** Address unknown; Upon information and belief Mr. Boyd was the project manager for the Ranch at Santa Paula project and has knowledge of the Pinnacle Parties' business and contract negotiations, and relationships with the Third-Party Defendants, including the parties' performance of their respective contractual obligations.
8. **Neil Opper:** Fidelity Investments, 1 Federal St.; Boston, MA, 02109; (617) 563-7221; Upon information and belief, Mr. Opper is a Senior Investment Officer for Fidelity Investment Real Estate Group and has knowledge of the relationships between the parties, including the parties' performance of their respective contractual obligations.

The following categories of documents and tangible things are relevant to disputed facts alleged with particularity in the pleadings and are located at the Third-Party Defendants' offices or the offices of its counsel:

1. Correspondence between the Third-Party Defendants and the Pinnacle Parties' employees and agents;
2. Correspondence between counsel for the Third-Party Defendants and the Pinnacle Parties;
3. Business records relating to the Tremont's work for the Pinnacle Parties on various projects, including projects known as the Ranch at Santa Paula and Lochenheath Golf Course.

The Third-Party Defendants will also make available a copy of any insurance agreement referred to in Fed. R. Civ. P. 26(a)(1)(D). Presently, the Third Party Defendants are not aware that any such insurance contract exists.

FORTIS ADVISORS, LLC,
TREMONT-FORTIS REALTY CAPITAL,
LLC, RUSSELL POSORSKE, RICHARD
C. GALLITTO AND DANIEL O. MEE,

By their attorneys,

/s/ Joseph V. Cavanagh
James M. Wodarski, BBO# 627036
Michael S. Day, BBO # 656247
Joseph V. Cavanagh, BBO # 657671
Mintz, Levin, Cohn, Ferris, Glovsky
and Popeo, P.C.
One Financial Center
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(617) 542-6000

Certificate of Service

I hereby certify that on this day, I caused a true and accurate copy of the foregoing document to be served upon William J. Hunt, Clark, Hunt & Emery, 55 Cambridge Parkway, Cambridge, Massachusetts 02142, by complying with this Court's Administrative Procedures for Electronic Case Filing.

Dated: September 29, 2005

/s/ Joseph V. Cavanagh
Joseph V. Cavanagh